



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

November 16, 2005

SUBJECT: **2005-1001** – Application on an 8,417 square-foot site located at **1313 Nelson Way** (near Allison Way) in an R-1 (Low-Density Residential) Zoning District. (APN: 323-05-041) RK

Motion Use Permit to allow construction of a 9'2" high fence between the house and Allison Way in the reducible front yard.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

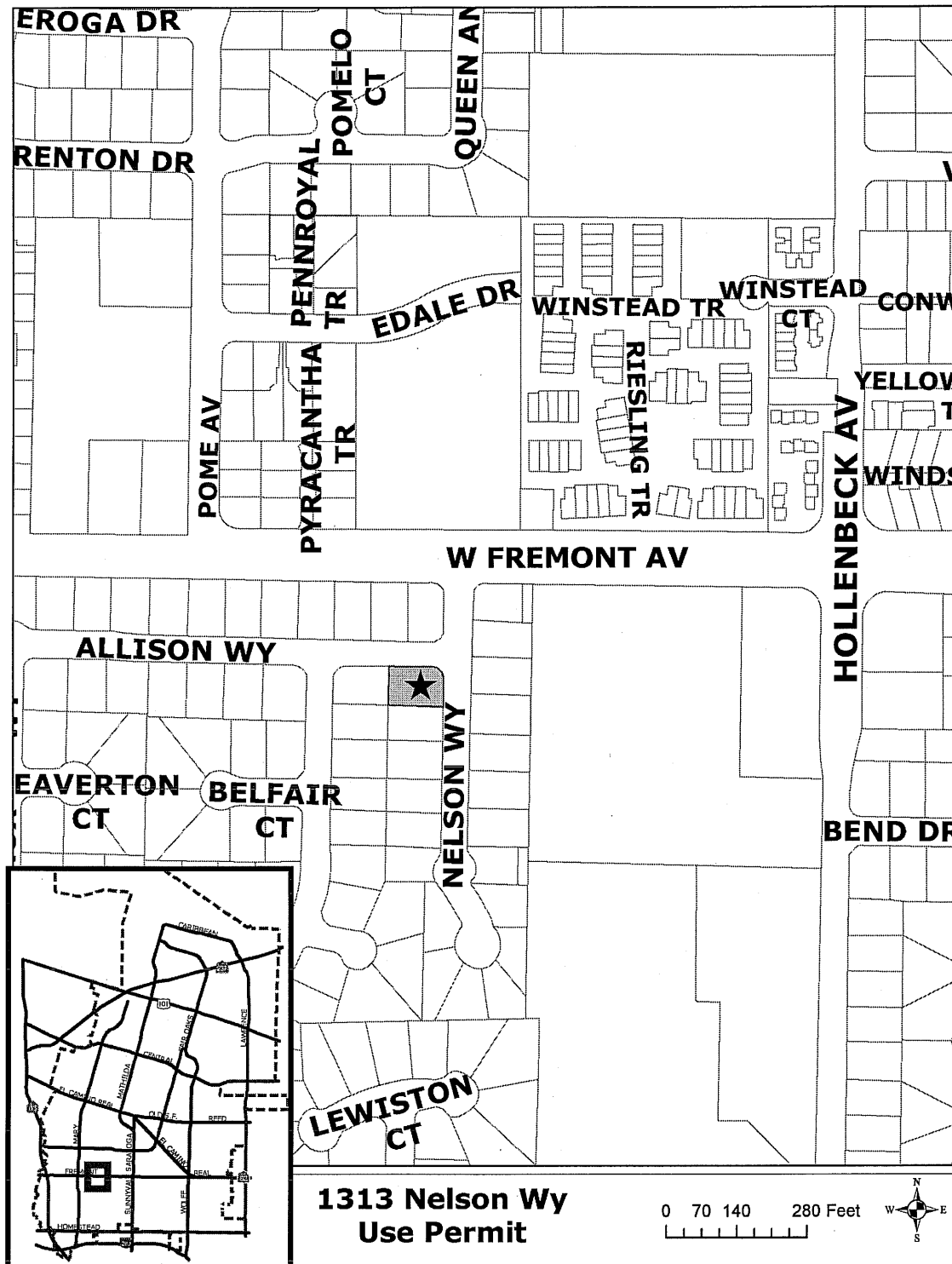
Surrounding Land Uses

North	Single Family Home
South	Single Family Home
East	Single Family Home
West	Single Family Home

Issues Fence Height , Aesthetics

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve the Use Permit



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-1	Same	R-1
Lot Size (s.f.)	8,417	Same	8,000 min.

ANALYSIS**Description of Proposed Project**

The proposed project is for a new 6' fence on top of an existing 3'2" retaining wall for a total of 9'2". The fence will be located within the reducible front yard (Allison Way). An existing five foot wood fence at this location would be removed.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2005-0430	Miscellaneous Plan Permit for 3'2" retaining wall in reducible and rear yard	Staff/Approved	5/9/05
2004-0289	Design Review to allow a one-story rear addition	Staff/Approved	4/5/04

Environmental Review

A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 11 Categorical Exemptions include minor structures such as fences.

Use Permit

Site Layout: The layout of the site consists of a single family home on a corner lot (Nelson and Allison Way). An addition was approved for the site in 2004 which allowed an addition at the rear of the home. The proposed six-foot wood

fence portion would replace the existing five-foot wood portion located along the property line of the reducible front yard (Allison Way frontage). The lot has been graded approximately three feet above the level of the sidewalk. Other lots have similar grade differentials in the neighborhood. The new extended fence would line up with the adjacent fence at 1312 Miette Way. See "Site Photos" in Attachment E for more detail.

Fence Design: The proposed fence would be similar to the existing fence with a painted horizontal wood pattern. The new fence would extend one foot higher than the existing fence. The previously approved retaining wall consists of a concrete block material with a white stucco finish. Due to the grading of the site, the height of the fence measured from the top of the sidewalk would be approximately 9'2".

Landscaping: There are no proposed changes to the existing landscaping on-site. Staff has included Condition of Approval #1D to require an off-set area for vegetation between the new fence and the retaining wall. The added landscaping at this location will help break up the visual appearance of a 9'2 wall along the Allison Way frontage.

Parking/Circulation: There are no proposed changes to the parking layout of the site. The proposal also meets the required 40-foot corner vision triangle for pedestrian and vehicular safety.

Compliance with Development Standards/Guidelines: With the approval of a Use Permit, the proposed fence meets all applicable development and zoning standards. A building permit is required prior to construction of the fence.

Expected Impact on the Surroundings: The proposed six-foot extension will have a visual impact to the surrounding neighborhood. The fence is readily visible to the public streets and neighboring properties. As conditioned, increased landscaping should mitigate any possible visual impact of the new fence.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 9 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A

Conditions of Approval: Conditions of Approval are located in Attachment B.

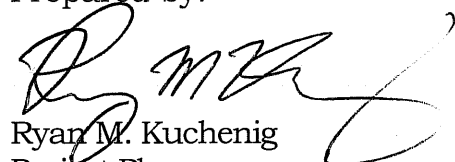
Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Do not approve the Use Permit.

Recommendation

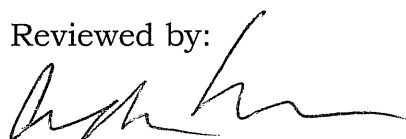
Alternative 1.

Prepared by:



Ryan M. Kuchenig
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant
- E. Site Photos

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Single Family Design Techniques - 3.11.G *Side fencing may be solid wood boards, but open lattice work segments at the top of the wall are softer in appearance and encouraged. However, when privacy is at issue, fences should be constructed of wood up to a maximum height of six feet with at least the top twelve inches constructed of wood lattice to soften the visual appearance of the fence top. Chain link fencing is strongly discouraged*

Land Use and Transportation Action Statement - N1.1.1 – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project, as conditioned, provides the owner sufficient privacy without compromising the aesthetics of the neighborhood.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the newly designed fence will match the height of an adjacent fence and provide privacy for the homeowner while not compromising the aesthetics of the neighborhood. Currently, the fence does not contain any landscaping to soften the visual impact from the street. Although, one foot higher, the new fence, as conditioned will better complement the neighborhood, with additional enhancement provided by landscaping.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. Obtain a Building permit prior to construction of the fence. The design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- D. The new wood fence shall be offset six inches to one foot from the retaining wall to allow the planting of vines or other form of vegetation.

THOMAS LIU & ASSOCIATES
Architecture / Urban Planning

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E-MAIL: TLA_88@yahoo.com

Consultant

Revision

Professional License

Project Name

RESIDENTIAL HOUSE ADDITION
CLIENT: BEE-LEE & KENNY LI

1313 NELSON WAY
SUNNYVALE, CA 94087

408-736-0068

Design & Copyright Statement:

ALL WORK SHALL CONFORM TO APPLICABLE
REQUIREMENTS OF LOCAL STATE OR FEDERAL
AGENCY HAVING JURISDICTION. THOMAS
LIU & ASSOCIATES SHALL BE RESPONSIBLE
FOR THE SUPERVISION AND PROPER EXECUTION
OF THE WORK SHOWN ON THESE DRAWINGS.
NO PART OF ANY EXISTING CONSTRUCTION, ANY
NEW CONSTRUCTION, OR ANY OTHER WORK
OF, IS STRICTLY PROHIBITED WITHOUT THE
ARCHITECT'S WRITTEN CONSENT.

Date: 04/02/04

Scale:

Drawn by:

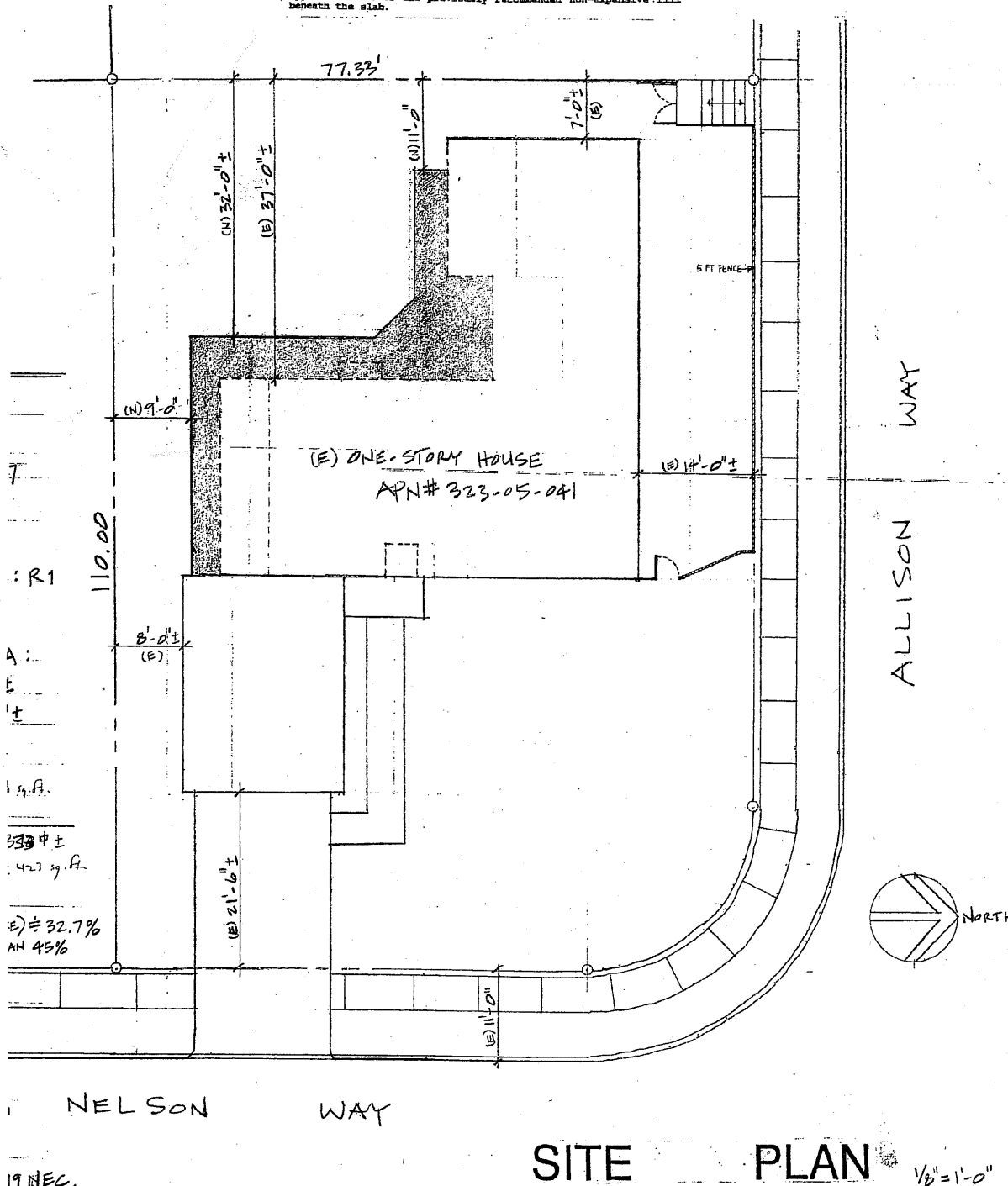
Job #:

Sheet #

Strong measures should be taken to conduct all surface and subsurface waters away from the structure so that they do not adversely affect the foundation of the structure. This includes the construction of at least a 2 percent slope away from the building foundation, and roof gutters with downspouts which discharge safely at some distance downgrade from the foundation.

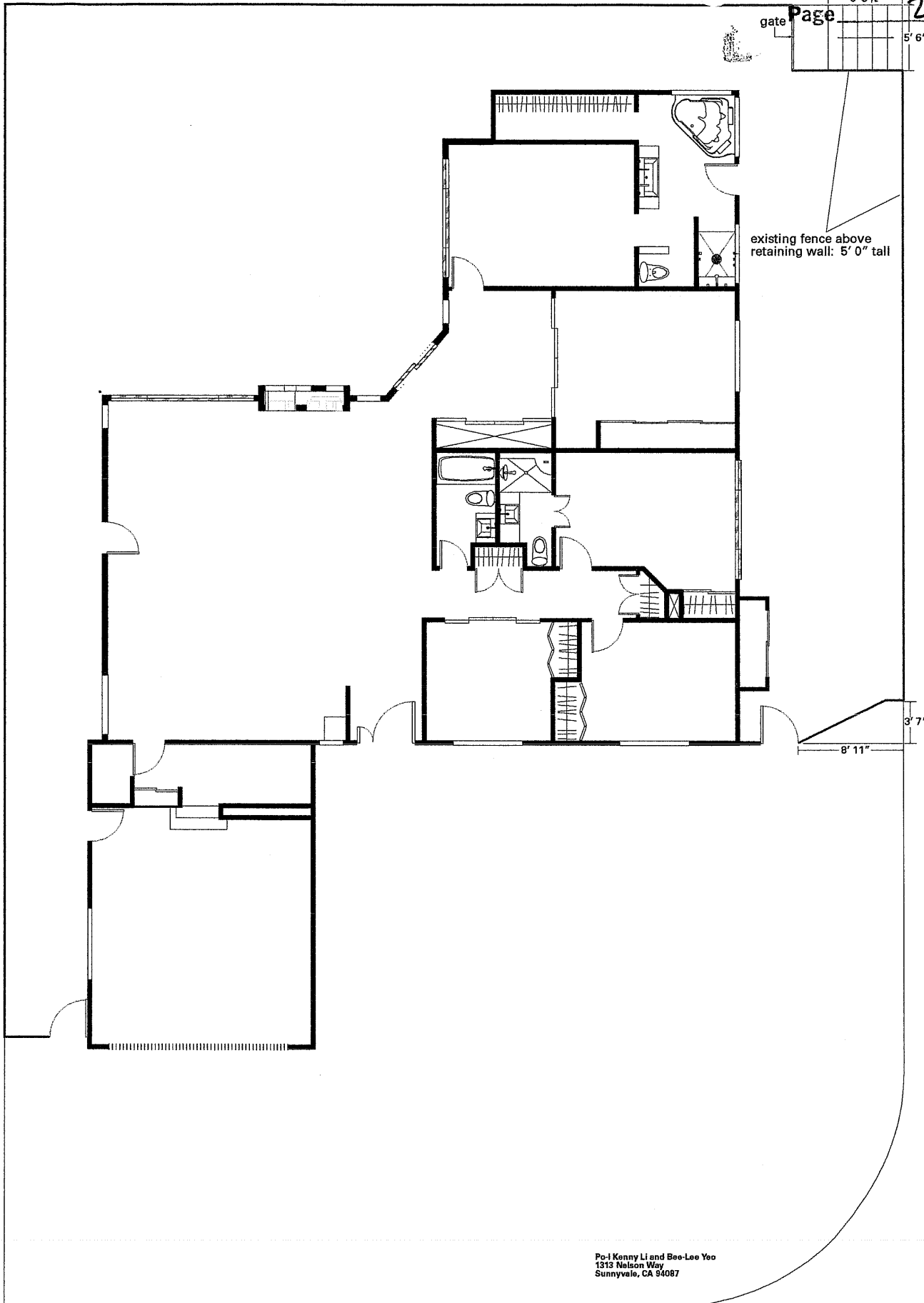
Where slabs-on-grades are to be constructed, we recommend that the slabs should be supported on a minimum of 12 inches of compacted, non-expansive structural fill and independent from the foundations. The natural subgrade soil and placement of the structural fill materials shall be compacted to at least 90 percent relative compaction. Slab reinforcing shall be provided in accordance with the anticipated use and loading of the slab, as designed by the Structural Engineer.

In areas where floor dampness is undesirable, a moisture barrier shall be used. One generally effective system for use in areas not subject to heavy vehicle loading is to install a capillary break consisting of four inches of free-draining pea gravel beneath the slab. In order to minimize vapor transmission, an impermeable membrane should be placed over the gravel. The membrane should be covered with a 2-inch layer of sand to aid in curing the concrete and to protect the membrane during construction. The sand should be slightly moistened just prior to concrete pouring. The combined thickness of gravel, membrane and sand may be considered as the upper 6 inches of the previously recommended non-expansive fill beneath the slab.



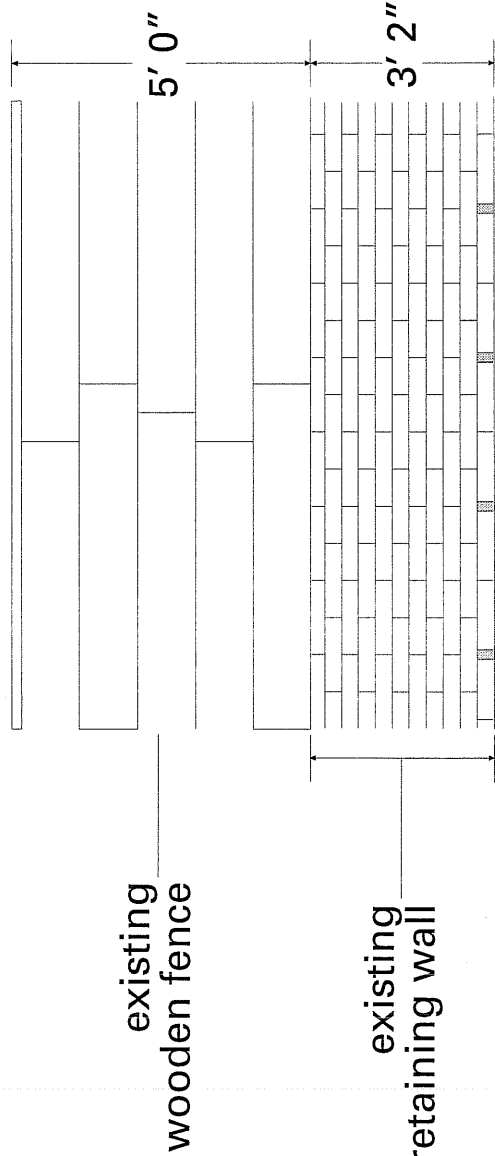
19 DEC.

existing fence

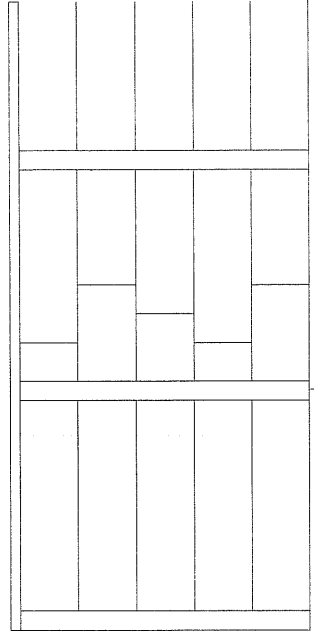


Existing Fence

front view



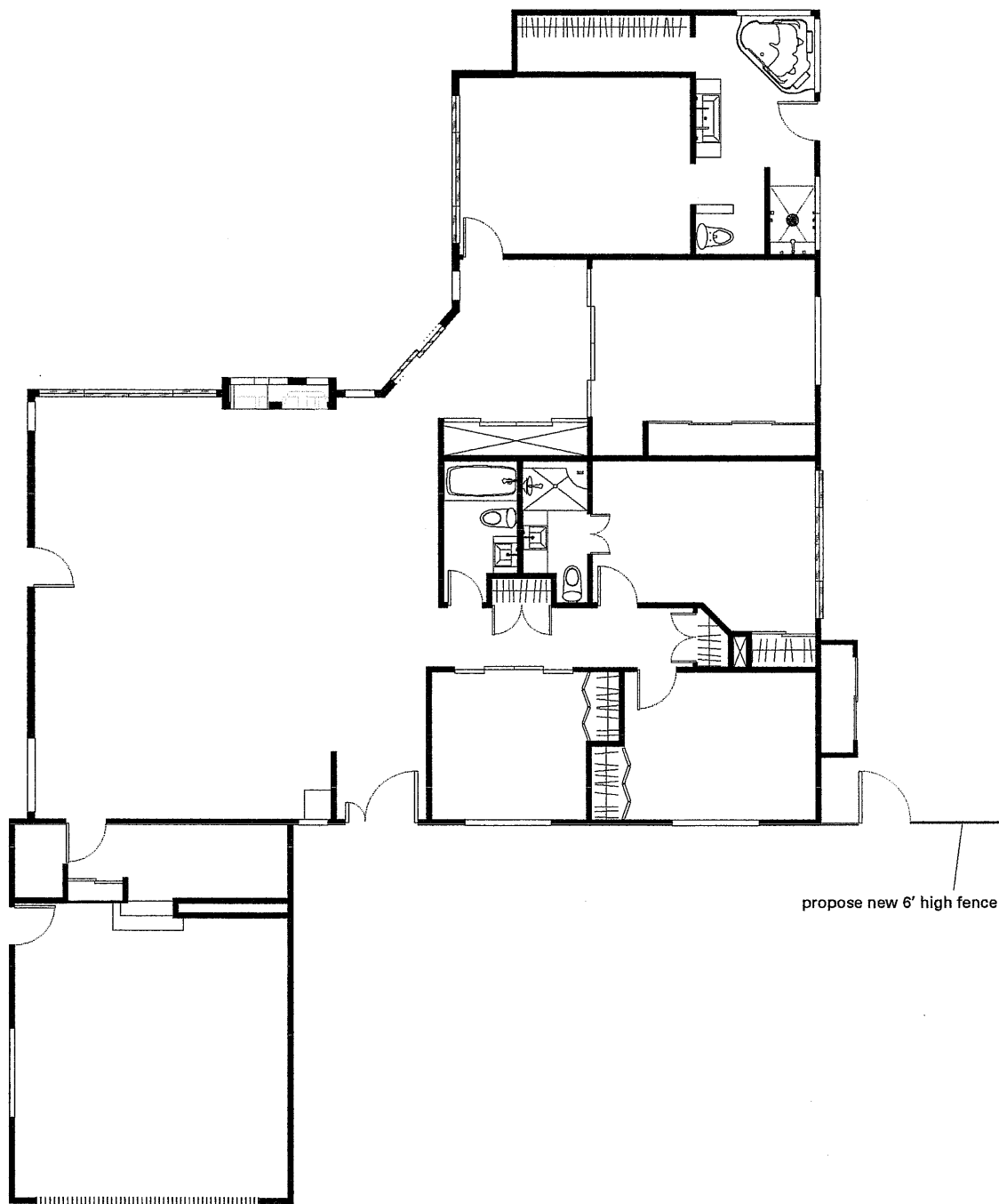
back view



proposed new fence

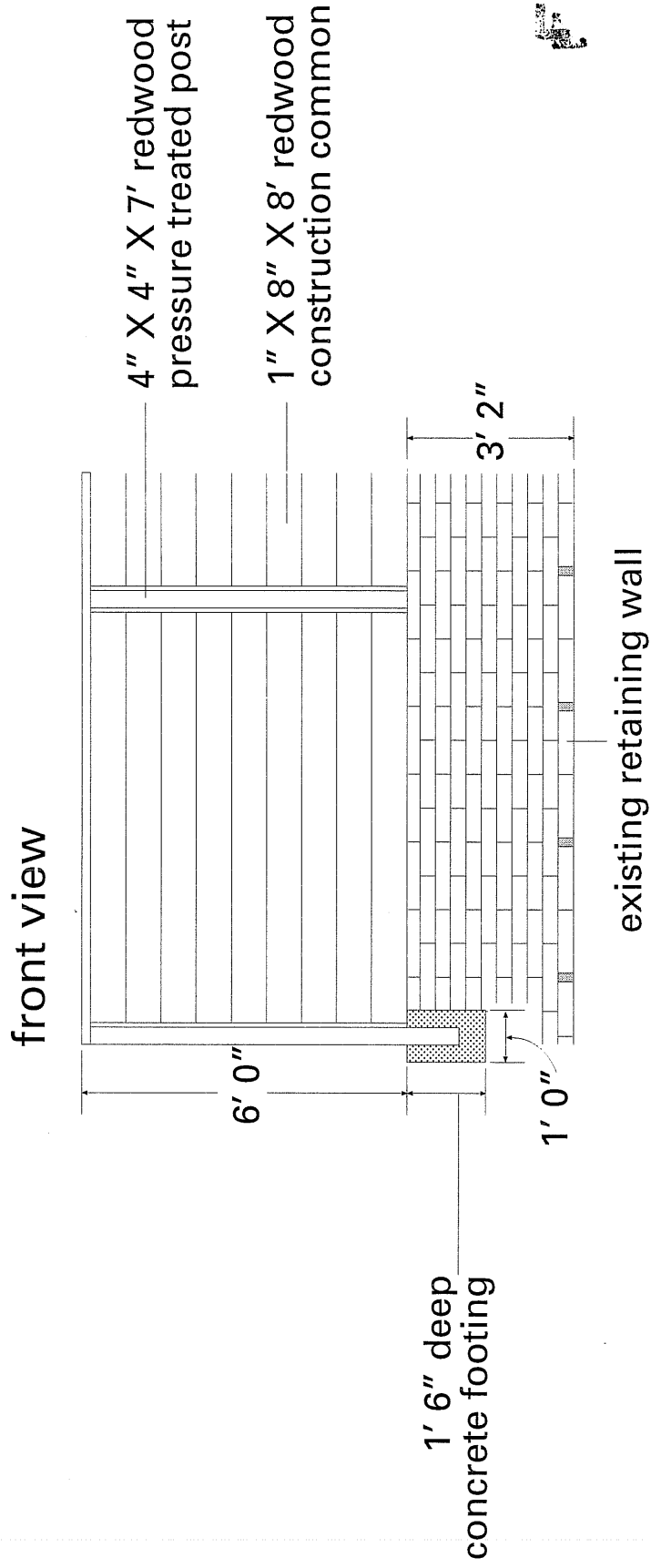
ATTACHMENT C

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Po-I Kenny Li and Bee-Lee Yeo
1313 Nelson Way
Sunnyvale, CA 94087

Proposed New Fence



Project Description

Proposed an exterior fence on the north side of the property

We propose to build a six feet high fence on the north side (adjacent of Allison Way) of the property line.

When we bought the house last March, there was already a retaining wall with a five feet high fence on the north side of the property (adjacent to Allison Way). The fence is old and worn out. Since, we have extended the retaining wall on the both ends of the fence (please see drawing); we have decided to replace the fence. Raising the fence to six feet to level with the back of our neighboring fence also provides us some privacy.

We propose using the 1' X 8' redwood stacking it horizontally to give an illusion that the fence is stretching sideways, diverging the attention on the height of the fence.

We hope the city will consider our proposal and grant us the privacy and security we desperately need.

Justification

The house was forty-five years old when we bought in March '04. It looked dated and worn out. Electrical and plumbing were out dated and not environmentally safe. We spent the last year remodelling and upgrading the premises. Now the house looks new and pleasant in the neighborhood. The subtleness of the design blends the house to the neighborhood. Our neighbors are very pleased with what we have done and we have received lots of compliments not only from the neighbors but also the city inspector. However, the whole project is not completed without a matching fence. The old fence looked worn out. It needs new replacements. Since, we have extended the retaining wall to flush with the front of the house, and filled up the steps at the back, it only make sense that we replaced the whole fence facing the front, side (adjacent to Allison Way) and the back of the house. This will truly complete the look of the house. It also further improves the image of the neighborhood since we are the first unit at the corner of Nelson Way and Allison Way.

Building the fence at six feet high also gives us the privacy we desperately need. With the existing fence five feet high, our neighbors are able to look into our windows from the neighbors' compound across the street. An addition of one foot will partially filter some curious passers-by. Moreover, our parents' room has a pair of sliding doors facing Allison Way. Our parents feel insecure without the fence, or having a lower fence. Hence, we plead the city to grant us the permit to build the six feet fence, to give us the security and privacy we need.

I propose stacking the planks of the fence horizontally, rather than lining them vertically side by side. The horizontal lines create a sideways extension illusion rather height extension. This optical illusion makes the fence feels lower than the actual height. Hence, the fence does not create a walled-in feel to the neighbors. Besides, the retaining wall and the fence have been standing there for the past forty-five years, which has become part of the neighborhood.

We sincerely think that by replacing new fence, it will not only give us privacy and security, but more important, it improves the appearance of the community. We would appreciate the city consider our application and grant us the permit to build the fence.

Bee-Lee Yeo & Kenny Li

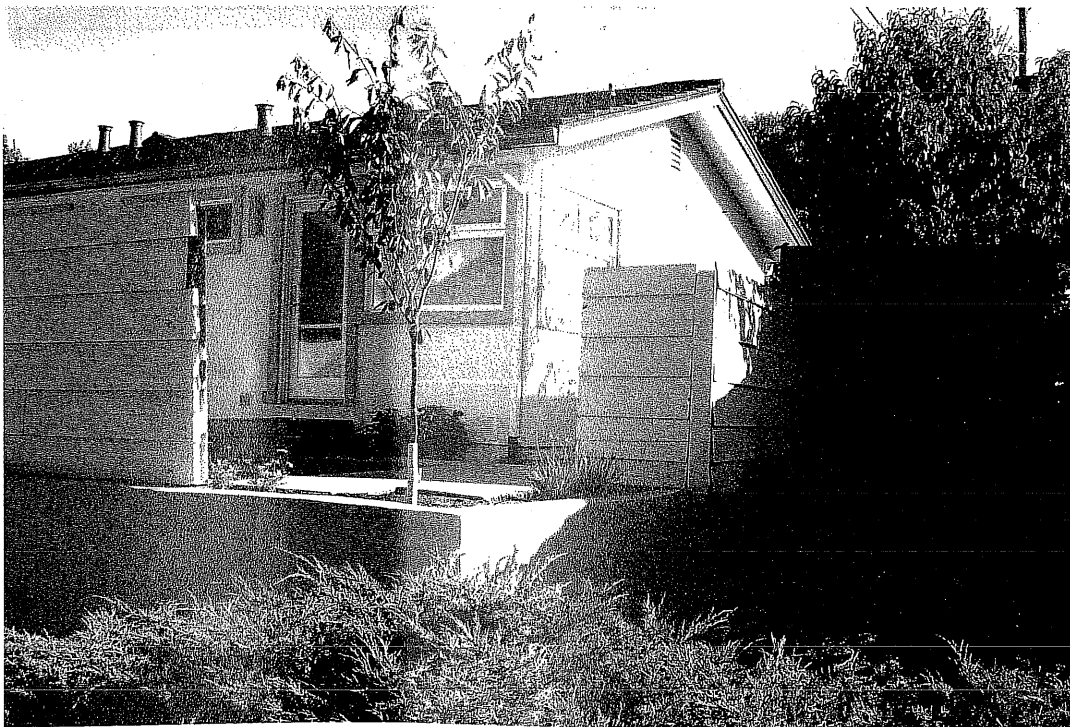
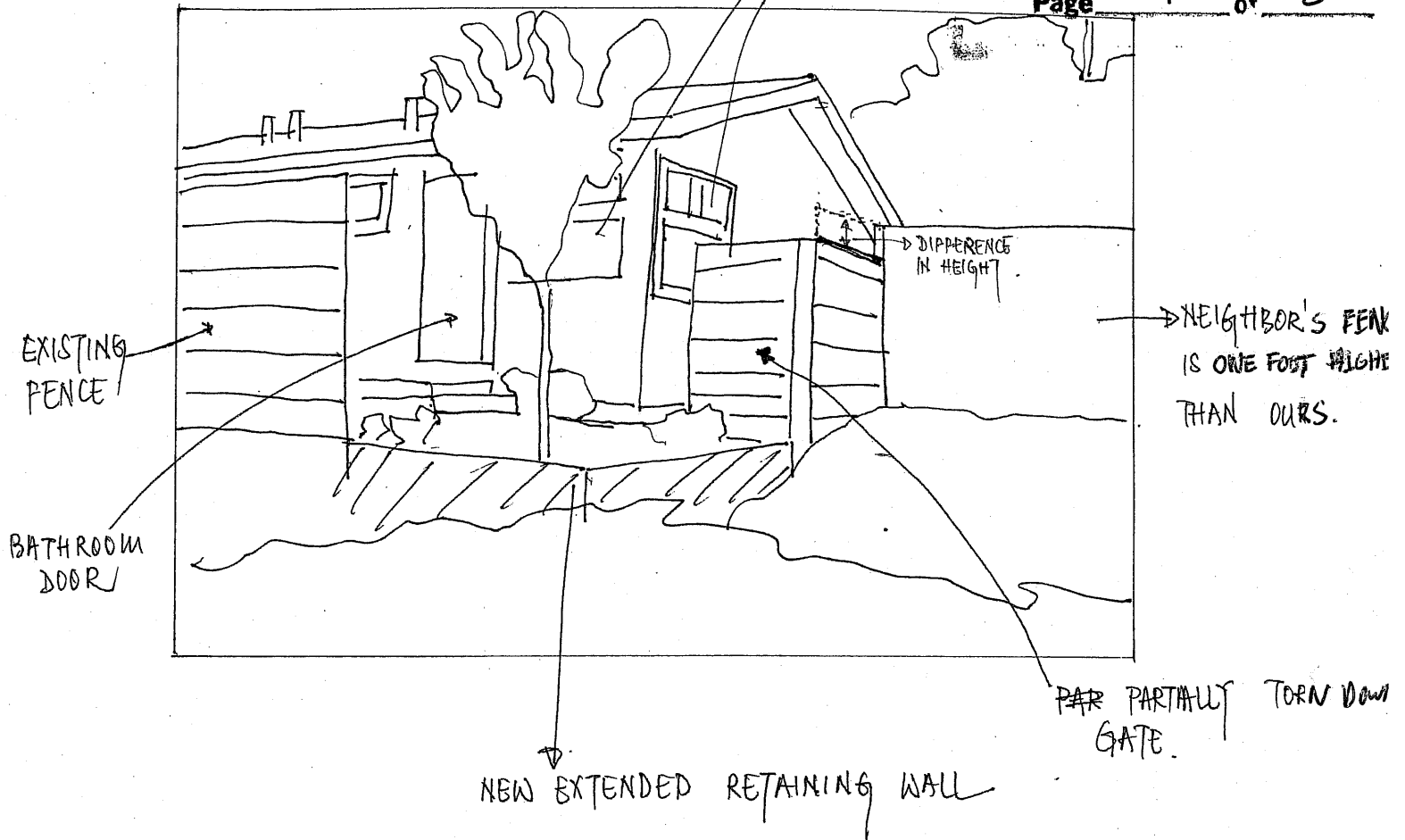
1313 Nelson Way

Sunnyvale, CA 94087

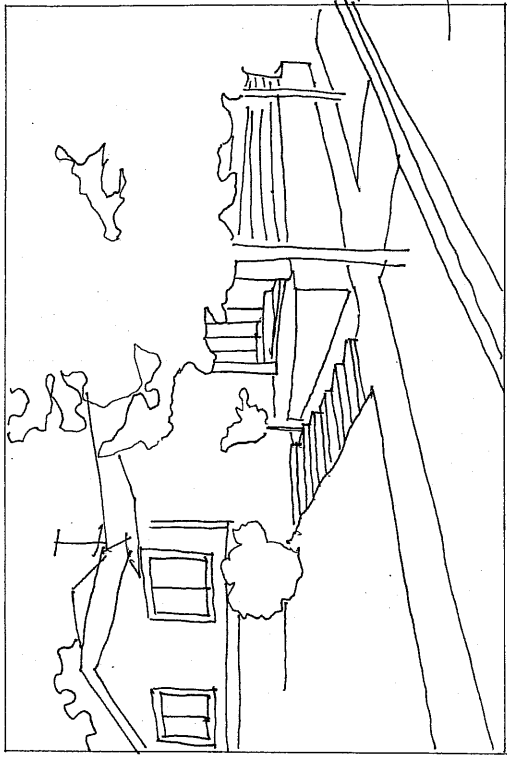
BATHROOM WINDOW

ATTACHMENT E

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SIDE OF HOUSE SHOWING THE EXISTING FENCE FRING ALLISON WAY



PARENTS' ROOM

